

**Syllabus and General Class Information for Colloquium**  
**University of Houston Law Center**  
**Spring 2018**  
**Professor Lonny Hoffman**

**Class Logistics**

We meet in the Heritage Room. Class officially begins at 12:00 but you are welcome to get there around 11:45 if you want. Food will be ready then (yes, I feed you lunch). A few minutes after the hour, I will briefly introduce the speaker and then get out of the way. Speakers will talk for about 20 minutes (plus or minus a few minutes, depending on the subject), to summarize their argument and perhaps also raise questions that they think their paper provokes. At that point, we move to a question/answer discussion period, which lasts until 1:30 pm.

For the discussion period, you usually just raise your hand and the speaker will call on you. In some instances, I might get involved in the process of helping with ordering questions. A number of my faculty colleagues will also be in the room with us. Also, when I think it makes sense, I invite others in the law school (and broader Houston) community to join us. I mention that these other people may be in the room so you know that it will not always be just students asking questions. Some weeks that's not a big deal because there will be few additional guests. Other weeks, the class may be quite full and it may be harder to get the speaker's attention.

**In-Class Discussion (Your Questions/Comments)**

This is one of my favorite things about the class; the dynamic is very positive and quite unlike what happens in most law school classrooms. Very often in law school, it seems to me, we say something to this effect: *We really want you to think and act and talk like a lawyer, but to do so you must think this specific way, and talk that exact way.* I'm sure there are benefits to this kind of indoctrination training, but there are also costs. In teaching this class, I try to emphasize the value of independent thinking, however quirky and different and colorful it may be.

There is not any exact prescription for what kind of questions you should ask (or comments you should offer). Obviously, be respectful, but that does not mean you can't disagree with or challenge the speaker. In terms of my expectations, I like to see people engaged in the discussion. That's the main thing; and it should go without saying (but I'll say it anyway) that quality is what matters, not quantity. Try not to ask a bunch of anodyne questions (*What was your argument in Part I? I really can't recall*). It is far better to ask one very good question that shows you have thought about the work and have something to say or ask that furthers the discussion along.

## **What You Need To Do Before Class: Read and Write One-Page Summary of Ideas**

I will be sending the papers to you at least two weeks in advance of the speaker's visit. Read them carefully. You will then do one of two things. One some weeks, you will write a response/reaction paper. You have to do this for 3 of the 10 papers we will read this semester. More about the response/reaction papers in a moment. For all weeks that you do not write a response/reaction paper, you will submit a 1-2 page summary (can be double-spaced) that tells me briefly what you thought of the paper and what interesting question(s) you think it provokes. This submission does not need to be detailed, but it should show me that (1) you read the paper carefully and (2) have begun to think of questions or issues that it raises that you might ask or bring up in class. In total, these short submissions you do on the weeks that you are not writing the longer papers are worth 20% of your grade; they are graded only as acceptable or unacceptable. In general, if you read the presenter's paper carefully and do a good job of thinking about questions or issues that it raises, your grade will be acceptable.

### **Response/Reaction Papers**

Some basic information about the longer response/reaction papers is in order first. The papers should be five pages, double-spaced. They are due no later than two weeks after the speaker's visit. Since I will distribute papers at least two weeks before the presenter's visit, this will give you at least a month to work on your response/reaction paper.

As for the substance of the papers, like my views about in-class participation I think this sort of written work offers an opportunity that does not come along frequently enough in law school. We rarely give students the opportunity to be original in their writing and we usually just ask students to regurgitate something back to us: *Give us the relevant facts; give us the holding; summarize the relevant authorities.* With these response/reaction papers, I am inviting you to think creatively; to come up with original ideas and points and then present those thoughts in a short, persuasive work. Think of these papers like a great book review. A great book review is worth reading because you learn something from reading it whether or not you go on to read the book. Indeed, it is not a bad idea to go read some book reviews from the New York Times or New York Review of Books before you begin writing your first response/reaction paper.

Here are some good rules of thumb to keep in mind as you write these papers.

1. Don't spend too long on the author's thesis. That is the kind of traditional regurgitation work that you are usually asked to do. I would rather see you do more original analysis; summarizing someone else's work is just not nearly as original or interesting.
2. Have your paper be about some original idea that you come up with after having read the author's paper. It can be about the author's subject, but it could also be about something totally different that you thought linked up in some important way to the author's paper.
3. Be careful in coming up with your original thesis not to bite off too much. That's often a problem since you only have five pages to write. Don't try to talk about some idea that is so big that you cannot adequately address it. If you do that, you run the risk of not being

able to delve deeply into what you really want to say; the net result is a less persuasive work.

4. If you are going to ask critical questions of the author's thesis, you might think about framing them along one of these lines (though you should not try to address many or all of these in the same paper):
  - Are there flaws in the argument or methodology that warrant discussion?
  - Are there unjustified or incompletely defended assumptions in the argument?
  - Would changing any of the author's assumptions change the prescriptive arguments advanced?
  - Are there issues that the author does not address, or perspectives the author did not consider, that should have been taken into account?
5. Finally, be sure to turn in a well-proofed copy: no typos, misspellings, etc. These are avoidable mistakes.

The website, [www.jotwell.com](http://www.jotwell.com), is another good source to consult as examples of the kind of what I am looking for. Here you will find short pieces that discuss law review articles that someone else wrote. In some ways, our response/reaction papers are very similar to these Jotwell submissions, but there are also some differences. The one big caveat is that Jotwell's senior editors seem to prefer that the submissions not be overly critical of the works reviewed, which makes sense since Jotwell stands for "The Journal of Things We Like (Lots)," not "The Journal of Things We Thought Were Really Crappy." That said, the basic enterprise is quite similar.

Finally, a last way to get a sense of what I'm looking for in the response papers is to read some prior student papers. They are available through a link on my home page (<http://www.law.uh.edu/faculty/main.asp?PID=179>). The obvious limitation here is that you are not reading the underlying work on which the student paper is based. That important caveat notwithstanding, seeing prior student work is likely to be very helpful to give you a sense about what I expect from you, so that's why I've made them available.

### **Grading**

The three reaction/response papers are each worth 20% of your grade. The one-page summaries of ideas that you turn on weeks that you do not submit a longer reaction/response paper are worth, collectively, 20% of your grade. They are evaluated only on an acceptable/unacceptable basis, as noted above. Class participation counts for the remaining 20% of the total grade. Grading criteria for response/reaction papers will include (1) originality of thesis/argument; (2) persuasiveness and writing quality; (3) organization/flow of argument; and (4) overall quality of work submitted.

### **UH Spring 2018 Colloquium**

Jan 29 Avlana Eisenberg (Florida State)

Feb 5 Nate Oman (William & Mary)

Feb 12 Glenn Cohen (Harvard)

Feb 19 Troy McKenzie (NYU)

Feb 26 Ruth Mason (Virginia)

Mar 5 Randall Kennedy (Harvard)

Mar 19 Joe Fishman (Vanderbilt)

Mar 26 Beth Burch (Georgia)

Apr 2 Rachel Sachs (Wash U)

Apr 9 Sara Bronin (UConn)